

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE
LITIGATION

MDL No. 1456

CIVIL ACTION: 01-CV-12257-PBS

Judge Patti B. Saris

THIS DOCUMENT RELATES TO:
ALL ACTIONS

AFFIDAVIT OF JOHN A. MACORETTA PURSUANT TO RULE 23(g)

I, John A. Macoretta, pursuant to 28 U.S.C. §1746, on oath, depose and state as follows:

1. I am a senior associate at the firm of Spector Roseman & Kodroff. I have over 10 years experience prosecuting and litigating complex litigation. I have full knowledge of the matters stated herein and would testify hereto.
2. Our firm has extensive experience prosecuting class actions. Attached as Exhibit A is the firm's resume. Highlights of our relevant experience include:
 - a. We have been appointed or acted as lead counsel or co-lead counsel in numerous nationwide complex commercial class actions, including but not limited to: *In re Linerboard Antitrust Litigation*, MDL No. 1261 (E.D.Pa.); *In re Flat Glass Antitrust Litigation*, MDL No. 1200 (W.D. Pa.); and *In re Parmalat Securities Litigation*, No. 04 Civ. 0030 (S.D.N.Y.);

b. We have also been appointed or acted as lead counsel or co-lead counsel in numerous class actions involving pharmaceutical pricing, including: *In Re: Lupron Marketing and Sales Practices Litigation*, MDL 1430 (D. Mass.); *In re Relafen Antitrust Litigation*, C.A. No. 01-12239 (D. Mass.); *J.B.D.L. Corp. v. Wyeth-Ayerst Laboratories, Inc.*, C.A. No. 01-cv-704 (S.D. Ohio) (“Pemarlin”); *In re K-Dur Antitrust Litigation*, C.A. No. 01-1652 (D. N.J.); *Stop & Shop Supermarkets v. SmithKline Beecham*, No. 03-4578 (E.D.Pa) (“Paxil”); and *Twin Cities Bakery Workers Fund and Lynch, et al. v. Biovail Corp.*, C.A. No. 01-2197 (D. D.C.) (“Tiazac”).

c. Other nationwide class actions involving pharmaceutical pricing we are involved in include: *In re Augmentin Antitrust Litigation*, No. 2-cv-442 (E.D. Va.), , *In re Buspirone Antitrust Litigation*, MDL Docket No.1413 (S.D.N.Y.); *In re Neurontin Marketing and Sales Practices Litigation*, MDL No. 1629; *In re Neurontin Antitrust Litigation*, MDL No. 1479 (D. N.J.); *In re Lorazepam and Clorazepate Antitrust Litigation*, MDL No. 1290 (D.D.C.); and *In re Oxycontin Antitrust Litigation*, MDL No. 1603 (S.D.N.Y.),

3. Our firm began investigating the claims raised in this litigation, and other potential causes of action that could be raised well before this litigation commenced. We interviewed clients and witnesses, researched public records, investigated various sources of pharmaceutical pricing, met with persons knowledgeable in the pharmaceutical industry and researched applicable law to develop theories of liability. Our firm filed

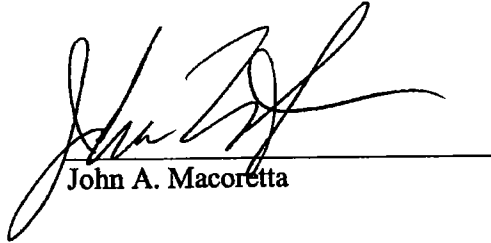
several of the drug specific class action suits that were ultimately consolidated into this multi-district litigation.

4. Our Firm is special counsel to a number of not-for-profit employee benefit plans, and we represent several employee health and welfare plans - including the Teamsters Health and Welfare Fund of Philadelphia and Vicinity, and the Man-U Service Contract Trust Fund - in class actions involving claims against pharmaceutical companies for marketing and pricing policies. Thus, our Firm has experience with such issues as confidentiality of health records, regulation of employee benefit plans under the Employee Retirement Income Security Act ("ERISA"), the duties of such plans to their participants and beneficiaries, and the funding of benefits for jointly trusted labor-management benefit funds

5. Our firm is committed and has demonstrated its commitment to expend whatever resources are necessary – of time, personnel and money – to prosecute this action and represent the class. We have been acting in coordination with several other firms to: (i) investigate, draft and revise the various Consolidated Class Action Complaints that have been filed to date in response to the MDL consolidation and the subsequent Orders of this Court; (ii) respond to the myriad of motions to dismiss filed by the defendants; (iii) coordinate and respond to discovery propounded by defendants on the named plaintiffs; (iv) propound discovery on defendants and pursue their responses; (v) conduct and supervise a massive amount of document review in a coordinated fashion; (vi) coordinate, pursue and attend third party discovery propounded by all parties; and (vii) attempt to conduct this complex and massive litigation in a civil, coordinated and manageable fashion.

I declare under penalty of perjury that the foregoing is true and correct.

Date: September 2, 2004



John A. Macoretta

EXHIBIT “A”

SPECTOR, ROSEMAN & KODROFF

A PROFESSIONAL CORPORATION
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ATTORNEY BIOGRAPHIES

Spector, Roseman & Kodroff is a highly successful law firm with a nationwide practice that focuses on class actions and complex litigation, including securities, antitrust, consumer protection, contract and commercial claims. The firm is active in major litigation in state and federal courts throughout the country. The firm's reputation for excellence has been recognized on numerous occasions by courts which have appointed the firm as lead counsel in major class actions. As a result of the firm's efforts, defrauded consumers and shareholders have recovered millions of dollars in damages. The firm is rated "AV" by Martindale-Hubbell, its highest rating for competence and integrity.

Judges throughout the country have recognized contributions of the law firm in class action cases. *See In re New York City Shoes Inc. Securities Litigation*, C.A. No. 87-4677 (E.D. Pa.) ("co-lead counsel Eugene Spector is a skilled and respected member of the bar who deftly managed this class action litigation."); *Larkin v. Collins*, C.A. No. 93-1252 (D. Kan.) ("I'm very appreciative of this kind of good work by lawyers."); *In re Oak Industries Securities Litigation*, Master File No. 83-0537-G(M) (S.D. Cal.) (court approved a settlement in excess of \$32 million, finding that counsel for plaintiffs were "highly experienced and capable attorneys of good reputation . . . [who] have performed both with proficiency and efficiency. . . ."); *Swanick v. Felton*, C.A. No. 91-1350 (E.D. Pa.) ("But for the extraordinary work and skill of the plaintiffs' attorneys, there would have been no benefit to the class at all. . . . You have advanced the goal of litigation with dispatch and with dignity. . . .").

EUGENE A. SPECTOR, senior partner, has extensive experience in complex litigation, and has represented both plaintiffs and defendants in securities and antitrust cases. Mr. Spector was formerly a litigator with the firm of Schnader, Harrison, Segal and Lewis; and with Gross & Sklar, P.C., where he established and headed the securities litigation section of the firm.

Mr. Spector has served as lead or co-lead counsel for plaintiffs in numerous cases with successful results, such as:

- *In re Linerboard Antitrust Litigation*, C.A. No. 98-5055 (E.D. Pa.), a nationwide antitrust action ultimately settled for \$200 million.
- *Cohen v. MacAndrews & Forbes Group, Inc.*, C.A. No. 7390 (Del. Ch.), a class action on behalf of shareholders challenging a going-private transaction under

Delaware corporate law in which a benefit in excess of \$11,000,000 was obtained for the class;

- *Goldberg v. Americana Hotels and Realty Corp.*, C.A. No. 86-3166-Y (D. Mass.) (co-lead), a securities fraud class action in which a \$9,500,000 settlement was approved by the Court;
- *Shanno v. Magee Industrial Enterprises, Inc.*, C.A. No. 79-2038 (E.D. Pa.) (trial counsel for defendants), a securities fraud action;
- *In re U.S. Healthcare Securities Litigation*, C.A. No. 88-559 (E.D. Pa.) (trial counsel);
- *PNB Mortgage and Realty Trust by Richardson v. Philadelphia National Bank*, C.A. No. 82-5023 (E.D. Pa.), a shareholders derivative and proxy violation action;
- *In re GCA Corporation Securities Litigation*, C.A. No. 85-4693-C (D. Mass.) (co-lead), a securities fraud action in which a settlement valued at more than \$6,000,000 was obtained;
- *Tolan v. Computervision, Inc.*, C.A. No. 85-1396 (D. Mass.), in which the Court approved a settlement of \$7,500,000 on behalf of the class;
- *In re RAC Mortgage Investment Corp. Securities Litigation*, MDL Docket No. 824 (D. Md.) (co-lead), where the Court approved a settlement of \$11,000,000 on behalf of the class.

Mr. Spector has served as lead counsel or co-lead counsel in a number of other securities fraud class action cases and shareholder derivative actions: *Swanick v. Felton*, C.A. No. 91-1350 (E.D. Pa.); *In re Surgical Laser Technologies, Inc. Securities Litigation*, C.A. No. 91-CV-2478 (E.D. Pa.); *Tolan v. Adler*, C.A. No. C-90-20710-WAI (PVT) (N.D. Cal.); *Rosenthal v. Dean Witter, Reynolds, Inc.*, C.A. No. 91-F-591 (D. Colo.); *Soenen v. American Dental Laser, Inc.*, No. 92 CV 71917 DT (E.D. Mich.); *In re Sunrise Technologies Securities Litigation*, Master File No. C-92-0948-THE (N.D. Cal.); *The Berwyn Fund v. Kline*, C.A. No. 4671-S-1991 (Dauphin Cty. C.C.P.); *In re Pacific Enterprises Securities Litigation*, Master File No. CV-92-0841-JSL (C.D. Cal.); *In re New America High Income Fund Securities Litigation*, Master File No. 90-10782-MA (D. Mass.); and *In re RasterOps Corp. Securities Litigation*, C.A. No. C-92-20349-RMW(EAI) (N.D. Cal. 1992).

Mr. Spector is currently serving as lead or co-lead counsel in a number of antitrust cases, including: *In re Relafen Antitrust Litigation*, C.A. No. 01-12239 (D. Mass.); *In re Flat Glass Antitrust Litigation*, MDL No. 1200 (W.D. Pa.); *In re Mercedes-Benz Antitrust Litigation*, Master File No. 99-4311 (D. N.J.); and *In re K-Dur Antitrust Litigation*, MDL Docket No. 1419 (D. N.J.).

Further, Mr. Spector has actively participated as plaintiffs' counsel in national class

action antitrust cases, including *In re Dynamic Random Access Memory (DRAM) Antitrust Litigation*, No. M-02-1486 PJH (N.D. Cal.) (executive committee); *In re Vitamins Antitrust Litigation*, Misc. No. 99-0197 (TFH) (D.D.C.) (Chair of the discovery committee); *In re Neurontin Antitrust Litigation*, MDL No. 1479 (D. N.J.) (executive committee); *Chlorine & Caustic Soda Antitrust Litigation*, Civ. A. No. 86-5428 (E.D. Pa.); *In re Brand Name Prescription Drug Antitrust Litigation*, MDL No. 997 (N.D. Ill.); *Polypropylene Carpet Antitrust Litigation*, MDL No. 1075 (N.D. Ga.); *NASDAQ Market Makers Antitrust Litigation*, MDL No. 1023 (S.D.N.Y.); *Potash Antitrust Litigation*, MDL No. 981 (D. Minn.); *Commercial Tissue Products Antitrust Litigation*, MDL No. 1189 (N.D. Fla.); *High Fructose Corn Syrup Antitrust Litigation*, MDL No. 1087 (C.D. Ill.).

In 2002, Mr. Spector obtained a jury verdict of \$4.5 million in *Heiser v. SEPTA*, No. 3167 July Term 1999 (Phila. C.C.P.), an employment class action.

Mr. Spector is admitted to practice in the Commonwealth of Pennsylvania; the United States Supreme Court; the United States Courts of Appeals for the First, Third, Fifth, Ninth and Tenth Circuits; and the United States District Court for the Eastern District of Pennsylvania. He is a graduate of Temple University (B.A. 1965) and an honors graduate of Temple University School of Law (J.D. 1970), where he was an editor of the *Temple Law Quarterly*. He served as law clerk to the Honorable Herbert B. Cohen and the Honorable Alexander F. Barbieri, Justices of the Pennsylvania Supreme Court (1970-71).

Mr. Spector has written a number of articles over the years which appeared in the *National Law Journal*, the *Legal Intelligencer*, and other trade and legal publications; and he has appeared on CNBC to discuss securities fraud. He is a member of the American, Federal, Pennsylvania and Philadelphia Bar Associations; the American Bar Association's Antitrust and Litigation Sections and the Securities Law Sub-Committee of the Litigation Section; and the Federal Courts Committee of the Philadelphia Bar Association.

ROBERT M. ROSEMAN directs the Firm's securities department. He has served or is serving as co-lead counsel in numerous major cases, including:

- *In re PSINet, Inc. Securities Litigation*, Civ. No. 00-1850-A (E.D. Va.)
- *In re Unisys Corporation Securities Litigation*, No. 99-CV-5333 (E.D. Pa.)
- *O'Brien v. Ashcroft (Tyco Corp. Derivative Litigation)*, No. 03-E-0005 (N.H. Super. Ct.)
- *Brudno v. Wise (El Paso Corp. Derivative Action)*, C.A. No. 19953NC (New Castle Cty., Del. Ch.)
- *In re Xcel Energy, Inc. Securities Derivative & "ERISA" Litigation*, MDL No. 1511 (D. Minn.)
- *In re Capstead Mortgage Corporation Securities Litigation*, No. 3:98-CV-1716-L

(N.D. Tex.)

- *In re S3 Securities Litigation*, Master File CV770003 (Sup. Ct. Cal.)
- *In re Conner Peripherals, Inc. Securities Litigation*, Master File No. C-93-20367-JW-(EAD) (N.D. Cal. 1993)
- *In re Information Resources, Inc. Securities Litigation*, Master File No. 94-C-2432 (N.D. Ill. 1994)
- *Felzen v. Andreas (Archer Daniels Midland Co. Derivative Litigation)*, C.A. No. 95-2279 (C.D. Ill.)
- *In re IMP Securities Litigation*, Case No. C-96-20826-SW (PVT) (N.D. Cal.)
- *Sports and Recreation Securities Litigation*, No. 95-424-CIV-T-25C (M.D. Fla.)
- *In re Autodesk, Inc. Securities Litigation*, Master File No. C-92-0553 SAW (JSB) (N.D. Cal.)
- *In re Sam & Libby Securities Litigation*, C.A. No. C-92-1564-WHO (N.D. Cal.)
- *Shore v. Ukropina (Pacific Enterprises, Inc.)*, Case No. BC047961 (Cal. Super. Ct.);
- *In re Syntex Corp. Securities Litigation*, Master File No. 92-20548 (PVT) (N.D. Cal.);
- *In re Shared Medical Systems Corp. Securities Litigation*, Master File No. 87-5601 (E.D. Pa.);
- *In re USACafes, L.P. Litigation*, Consol. C.A. No. 11146 (Del. Ch. 1989);
- *Miller v. New America High Income Fund*, C.A. No. 90-10782-MA (D. Mass.) (chairman of the executive committee);
- *Lucia v. Prospect Street High Income Portfolio, Inc.*, C.A. No. 90-10781-MA (D. Mass.);
- *In re Leslie Fay Securities Litigation*, No. 92 Civ. 8036 (WCC) (S.D.N.Y. 1992) (member of the executive committee).

In addition, Mr. Roseman has played a major role in *In re Edison Schools, Inc. Securities Litigation*, No. 02Civ. 3692 (S.D.N.Y.); *In re Bristol-Myers Squibb Derivative Litigation*, No. 02 Civ. 8571 (S.D.N.Y.); *In re Iomega Securities Litigation*, C.A. No. 86-273 (D. Conn.); *In re RAC Mortgage Investment Corp. Securities Litigation*, MDL Docket No. 824 (D. Md.); and *In re*

Wedgestone Financial Securities Litigation, Master File No. 89-0987-S (D. Mass.).

Mr. Roseman is admitted to practice in the Commonwealth of Pennsylvania and the State of New York; the United States Supreme Court; the Court of Appeals for the Third and Seventh Circuits; and the United States District Courts for the Eastern District of Pennsylvania and the Central District of Illinois. He is also a member of the Philadelphia, Pennsylvania, New York State, and Federal Bar Associations. He has lectured extensively throughout Europe on the role of private litigation in enforcing U.S. securities laws. He earned a B.S. degree with honors in political science from the State University of New York in 1978, and a J.D. degree in 1982 from Temple University School of Law.

JEFFREY L. KODROFF concentrates his practice in healthcare antitrust, securities and consumer litigation. He was among the first attorneys to represent clients in class action litigation against national health maintenance organizations. He also filed the first class action complaint against the manufacturers of Lupron relating to the marketing practices and use of the published Average Wholesale Price. Mr. Kodroff is currently co-lead counsel in *In re Lupron Marketing and Sales Practices Litigation*, MDL No. 1430 (D. Mass.); and *In re Pharmaceutical Industry Average Wholesale Price Litigation*, MDL No. 1456 (D. Mass.).

Mr. Kodroff has worked on a number of securities cases, including: *In re Unisys Corporation Securities Litigation*, No. 99-CV-5333 (E.D. Pa.); *In re Dreyfus Aggressive Growth Mutual Fund Litigation*, No. 98 Civ. 4318 (HB) (S.D.N.Y.); *In re Valuevision International, Inc. Securities Litigation*, Master File No. 94-CV-2838 (E.D. Pa.); *In re GTECH Holdings Corp. Securities Litigation*, Master File No. 94-0294 (D.R.I.); *In re The Leslie Fay Companies, Inc. Securities Litigation*, No. 92 Civ. 8036 (S.D.N.Y.); *In re Surgical Laser Technologies, Inc. Securities Litigation*, No. 91-CV-2478 (E.D. Pa.); *The Berwyn Fund v. Kline*, No. 4671-S-1991 (Dauphin Cty. C.C.P.);

He has served as lead or co-lead counsel in a number of other class actions, including *Kaufman v. Comcast Cablevision of Phila., Inc.*, No. 9712-3756 (Phila. C.C.P.); *In re Managed Care Litigation*, Master File No. 00-1334-MD (S.D. Fla.); *Kalodner v. Michaels Stores, Inc.*, No. 3:95-CV-1903-R (N.D. Tex.); *Tulino v. U.S. Healthcare, Inc.*, No. 95-CV-4176 (E.D. Pa.); *LaChance v. Harrington*, No. 94-CV-4383 (E.D. Pa.); *Smith v. Recordex*, No. 5152, June Term 1991 (Phila. Cty. C.C.P.); *Guerrier v. Advest Inc.*, C.A. No. 90-709 (D. N.J.); and *Pache v. Wallace*, C.A. No. 93-5164 (E.D. Pa.).

Prior to joining the firm, Mr. Kodroff was associated with its predecessor firm, Eugene A. Spector & Associates. His past experience also includes handling corporate transactions, regulatory issues and commercial litigation with the law firm of McNees, Wallace & Nurick in Harrisburg, Pennsylvania.

Mr. Kodroff is admitted to practice in the Commonwealth of Pennsylvania and the United States District Courts for the Middle and Eastern Districts of Pennsylvania. He is a member of the Pennsylvania, Philadelphia and American Bar Associations. He also serves on the advisory board for the Bureau of National Affairs *Class Action Litigation Report*. Mr. Kodroff has appeared before the U.S. House of Representatives, Subcommittee on Housing and Community

Opportunity, Committee on Banking and Financial Services on the issue of predatory lending. He graduated from LaSalle University in 1986 with a B.S. in finance, and received his J.D. in 1989 from Temple University School of Law.

JEFFREY J. CORRIGAN joined SRK in 2000 as a partner to help direct the Firm's complex antitrust litigation. From 1990 until 2000, he was a Trial Attorney with the U.S. Department of Justice in the New York office of the Antitrust Division.

Mr. Corrigan has extensive experience investigating and prosecuting complex antitrust and other white collar criminal cases. He was lead counsel on numerous federal grand jury investigations and has significant federal trial experience as well. His cases include *United States v. Tobacco Valley Sanitation*, Cr. H-90-4 (D. Conn. 1991); and *United States v. Singleton*, Crim. No. 94-10066 (D. Mass. 1995)). He was nominated by the Antitrust Division in 1999 for the Attorney General's Distinguished Service Award for his work on a major case involving bid-rigging at state courthouses in Queens and Brooklyn in New York City, which resulted in 49 guilty pleas. *United States v. Abrishamian*, No. 98 CR 826 (E.D.N.Y. 1998), Mr. Corrigan also played a major part in *United States v. Canstar Sports USA, Inc.*, C.A. No. 93-7 (D. Vt. 1993), a complex civil antitrust case.

He is currently taking a leadership role in *In re Linerboard Antitrust Litigation*, C.A. No. 98-5055 (E.D. Pa.); *In re Mercedes-Benz Antitrust Litigation*, Master File No. 99-4311 (D. N.J.); *In re Flat Glass Antitrust Litigation*, MDL No. 1200 (W.D. Pa.); *Lynch v. National Prescription Administrations*, No. 03 Civ. 1303 (S.D.N.Y.); *In re Procardia XL Antitrust Litigation*, C.A. No. 01-106 (N.D. W. Va.); and *Twin Cities Bakery Workers Fund and Lynch, et al. v. Biovail Corp.*, C.A. No. 01-2197 (D. D.C.). He was also active in *In re Buspirone Antitrust Litigation*, MDL Docket No. 1413 (S.D.N.Y.) which in 2003 settled for \$670 million; *Ogozalek v. McNeil-PPC*, No. 02-CV-4523 (SMO) (D. N.J.); and *In re Tamoxifen Citrate*, C.A. No. 01-MD-1408 (E.D.N.Y.).

Mr. Corrigan is a 1985 graduate of The State University of New York at Stony Brook, where he earned his B.A. in economics. He received his J.D. in 1990 from Fordham University School of Law, where he was a member of the Moot Court Board. Mr. Corrigan is admitted to practice in the States of New York and New Jersey, and in the United States Court of Appeals for the Third Circuit; and the United States District Courts for the District of New Jersey, Southern District of New York and the Eastern District of New York. He is also a member of the New Jersey, New York and American Bar Associations.

THEODORE M. LIEVERMAN is a partner in the Firm, focusing on class actions involving unions and union benefit funds. During his 25 years of practice, he has concentrated on civil litigation and appeals involving complex issues of federal law, including claims under the Labor Management Relations Act, the Racketeer Influenced and Corrupt Organizations Act (RICO), federal civil rights statutes, constitutional law, the Employee Retirement Income Security Act (ERISA), the Labor-Management Reporting and Disclosure Act (LMRDA), and antitrust statutes. He has tried numerous cases to judges, juries, and administrative judges.

Mr. Lieverman currently represents employee pension and benefit funds in a number of

class actions, including *In re Relafen Antitrust Litigation*, C.A. No. 01-12239 (D. Mass.); *In re K-Dur Antitrust Litigation*, C.A. No. 01-1652 (D. N.J.); *In re Neurontin Antitrust Litigation*, MDL No. 1479 (D. N.J.); *In re Pharmaceutical Industry Average Wholesale Price Litigation*, MDL No. 1453 (D. Mass.). He is also lead counsel in *Penn Federation BMW v. Norfolk Southern Corp.*, C.A. No. 02-9049 (E.D. Pa.), a class action involving breach of fiduciary duty under ERISA. In 2001, he was asked to file an amicus brief on behalf of a number of distinguished historians in the important copyright case of *New York Times Co. v. Tasini*, 533 U.S. 483 (2001).

Mr. Lieverman served as co-counsel for a nationwide class of retirees who sued Campbell Soup for lost medical benefits. *Local 56 UFCW v. Campbell Soup Co.*, 954 F. Supp. 1000, 1003 (D. N.J. 1997). He litigated one of the leading case on the use of labor-management cooperation programs in unionized workplaces. *E.I. duPont deNemours & Co.*, 311 NLRB No. 88 (1993). He also served as co-counsel in *Cement Masons Local 699 Health & Welfare Fund v. Mylan Laboratories*, Docket No. MER-L-000431-99 (N.J. Super. L.), which in 2000 was part of a \$147 million nationwide settlement of antitrust and consumer protection claims.

Other notable cases in which Mr. Lieverman served as lead counsel include *Manufacturers Association of Tri-County v. Knepper*, 801 F.2d 130 (3d Cir. 1986), *cert. denied*, 484 U.S. 815 (1987); *Local 397 IUE v. Midwest Fasteners, Inc.*, 763 F. Supp. 78 (D. N.J. 1990), 779 F. Supp. 788 (D. N.J. 1992); *Doe v. Borough of Barrington*, 729 F. Supp. 376 (D. N.J. 1990); *Knoll v. Springfield Township School District*, 699 F.2d 137 (3d Cir. 1983), *vacated and remanded*, 471 U.S. 288 (1985), *on remand*, 763 F.2d 584 (3d Cir. 1985); and *Araujo v. Welch*, 742 F.2d 802 (3d Cir. 1984).

As a labor lawyer, he has represented many labor organizations, including Council 13, American Federation of State, County and Municipal Employees; Philadelphia Metal Trades Council; Pennsylvania AFL-CIO; Pennsylvania Federation, Brotherhood of Maintenance of Way Employes; Allied Pilots Association; United Food and Commercial Workers International Union; United Food and Commercial Workers Local 56; Chemical Workers Association; Glass, Molders, Pottery, Plastic and Allied Workers Union; Hotel Employees and Restaurant Employees Local 54.

During 1995-1997, Mr. Lieverman served as general counsel to the Court-appointed Election Officer who conducted the 1996 officer elections for the 1.4 million members of the International Brotherhood of Teamsters. *United States v. International Brotherhood of Teamsters*, No. 88 Civ. 4486 (S.D.N.Y.) (numerous reported cases). He also served as general counsel for the Philadelphia Area Projection on Occupational Safety and Health in 1983-1992.

He is admitted to practice in Pennsylvania, New Jersey and Massachusetts; the United States Supreme Court; United States Courts of Appeals for the Second, Third, Eleventh, D.C. and Federal Circuits; and the United States District Courts for the Eastern and Middle Districts of Pennsylvania, the District of New Jersey, and the Southern District of New York. He has served as an arbitrator for the United States District Court for the Eastern District of Pennsylvania and the Philadelphia Court of Common Pleas.

He has published a number of articles on the law as well as public policy issues, including (with Howard S. Simonoff) "The RICO-ization of Federal Labor Law: An Argument for Broad Preemption," 8 *The Labor Lawyer* 335 (1992), reprinted in 17 *RICO Law Reporter*, Jan. 1993, at 9; "Are You Ready for This? Some Clients to Avoid," *Trial*, vol. 25, no. 9, at 91 (September 1989); (with William Tomar) "'Caution: We've Discovered a Slight Problem . . . ' The Continuing Duty To Warn in Products Liability Cases," *New Jersey Trial Lawyer* 85 (April 1990); "Law and Power: Some Reflections on Nicaragua, the United States and the World Court," 10 *Maryland Journal of International Law and Trade* 295 (1986).

Mr. Lieverman is "AV" rated by Martindale-Hubbell and is listed in *Who's Who in America*, *Who's Who in American Law* (9th ed.) and *The Best Lawyers in America*. He has lectured on various legal issues to lawyers and union officials and has been an adjunct professor of law at Rutgers Law School-Camden. He earned a B.A. with general and departmental honors in History from Vassar College and a J.D. degree from Northeastern University Law School. Mr. Lieverman is a member of the AFL-CIO Lawyers Coordinating Committee and the Philadelphia Bar Association.

ANDREW D. ABRAMOWITZ the Firm's most recent partner, graduated *cum laude* from Franklin and Marshall College in 1993, where he earned a B.A. in Government. Mr. Abramowitz received his J.D. in 1996 from the University of Maryland School of Law, where he was Assistant Editor for *The Business Lawyer*, published jointly with the American Bar Association. He was formerly an associate at Polovoy & Turner, LLC, in Baltimore, where he practiced commercial litigation and corporate transactional law, and was a law clerk at the Office of the Attorney General of Maryland in the Department of Business and Economic Development.

Among recent cases in which Mr. Abramowitz has participated are: *In re PSINet, Inc. Securities Litigation*, Civ. No. 00-1850-A (E.D. Va.); *In re Unisys Corporation Securities Litigation*, No. 99-CV-5333 (E.D. Pa.); *O'Brien v. Ashcroft (Tyco Corp. Derivative Litigation)*, No. 03-E-0005 (N.H. Super. Ct.); *Brudno v. Wise (El Paso Corp. Derivative Action)*, C.A. No. 19953NC (Del. Ch.); *In re Xcel Energy, Inc. Securities Derivative & "ERISA" Litigation*, MDL No. 1511 (D. Minn.); *In re Bristol-Myers Squibb Derivative Litigation*, No. 02 Civ. 8571 (S.D.N.Y.); *Penn Federation BMW v. Norfolk Southern Corp.*, C.A. No. 02-9049 (E.D. Pa.); *Rosenthal v. Dean Witter Reynolds, Inc.*, No. 91-CV-429 (Dist. Ct. Douglas Cty., Colo.); *In re Visa Check/MasterMoney Antitrust Litigation*, No. CV-96-5238 (S.D.N.Y.); *Moskowitz v. Mitcham Industries, Inc.*, C.A. No. H-98-1244 (S.D. Tex.); and *In re Flat Glass Antitrust Litigation*, C.A. No. 97-550 (W.D. Pa.).

Mr. Abramowitz is admitted to practice in the State of Maryland and the United States District Court for the District of Maryland. He is a member of the Maryland Bar Association.

Associates

WILLIAM G. CALDES is a 1986 graduate of the University of Delaware, where he earned a B.A. with a double major in Economics and Political Science. Mr. Caldes received his J.D. in 1994 from Rutgers School of Law at Camden, and then served as law clerk to the Honorable Rushton H. Ridgway of New Jersey Superior Court, Cumberland County. Mr. Caldes

was formerly associated with the law firm Meredith, Cohen, Greenfogel & Skirnick, where he practiced in the areas of antitrust, securities, and other complex litigation.

Among the recent cases in which Mr. Caldes has participated are *In re McKesson HBOC, Inc. Securities Litigation*, Master File No. 99-CV-20743 (N.D. Cal.); *In re K-Dur Antitrust Litigation*, MDL Docket No. 1419 (D. N.J.); *In re Relafen Antitrust Litigation*, C.A. No. 01-12239 (D. Mass.); *In re Buspirone Antitrust Litigation*, MDL Docket No. 1413 (S.D.N.Y.); *In re Linerboard Antitrust Litigation*, C.A. No. 98-5055 (E.D. Pa.); *In re Dynamic Random Access Memory (DRAM) Antitrust Litigation*, No. M-02-1486 PJH (N.D. Cal.); *In re Baycol Products Litigation*, No. 1431 (D. Minn.); *In re Vitamins Antitrust Litigation*, Misc. No. 99-0197 (TFH) (D.D.C.).

He has also participated in such cases as *General Refractories Co. v. Washington Mills Electro Minerals Corp.*, No. 95-CV-580S(S) (E.D.N.Y.); *In re Brand Name Prescription Drugs Antitrust Litigation*, No. 94-C-897 (N.D. Ill.); *In re Nasdaq Market-Makers Antitrust Litigation*, MDL No. 1023 (S.D.N.Y.); *In re Flat Glass Antitrust Litigation*, MDL No. 1200 (W.D. Pa.); and *In re Carpet Antitrust Litigation*, MDL No. 1075 (N.D. Ga.). Mr. Caldes is admitted to practice in the Commonwealth of Pennsylvania, the State of New Jersey, and the United States District Courts for the District of New Jersey and the Eastern District of Pennsylvania.

DAVID FELDERMAN is a 1991 graduate of the University of Pennsylvania where he earned a B.A. degree in Economics. He received his J.D. degree *cum laude* from Temple University School of Law in 1996. Upon graduation from law school, Mr. Felderman served as a law clerk to the Honorable Bernard J. Goodheart in the Court of Common Pleas, Philadelphia County. He was formerly associated with the law firm of McEldrew & Fullam, P.C., where he focused on medical malpractice litigation.

Among the recent cases in which Mr. Felderman has participated are *In re Microstrategy, Inc. Securities Litigation*, C.A. No. 00-473-A (E.D. Va.); *In re Revlon, Inc. Securities Litigation*, No. 99 Civ.10192 (S.D.N.Y.); *In re S3 Securities Litigation*, Master File CV770003 (Sup. Ct. Cal.); *In re McKesson HBOC, Inc. Securities Litigation*, Master File No. 99-CV-20743 (N.D. Cal.); *In re Lupron Marketing and Sales Practices Litigation*, MDL Docket No. 1430 (D. Mass.); *In re Pharmaceutical Industry Average Wholesale Price Litigation*, MDL Docket No. 1456 (D. Mass.); *In re Managed Care Litigation*, C.A. No. 00-1334-MD (S.D. Fla.); *Ross v. Aetna, Inc.*, C.A. No. GIC-738288 (Super. Ct. Cal.); *In re Monosodium Glutamate Antitrust Litigation*, MDL Docket No. 1328 (D. Minn.); *In re Buspirone Antitrust Litigation*, MDL Docket No. 1413 (S.D.N.Y.); *In re Flat Glass Antitrust Litigation*, MDL No. 1200 (W.D. Pa.); *In re Mercedes-Benz Antitrust Litigation*, Master File No. 99-4311 (D. N.J.); and *In re Linerboard Antitrust Litigation*, C.A. No. 98-5055 (E.D. Pa.);

Mr. Felderman is admitted to practice in the Commonwealth of Pennsylvania and the State of New Jersey, as well as in the United States Court of Appeals for the Third Circuit; and the United States District Courts for the Eastern District of Pennsylvania and the District of New Jersey. He is currently a member of the American, Pennsylvania and Philadelphia Bar Associations as well as the Pennsylvania Trial Lawyers Association. Mr. Felderman served a three year term (2000-2002) as a member of the Executive Committee of the Philadelphia Bar

Association's Young Lawyers Division. As part of this commitment, he co-Chaired Legal Line, P.M. which won a national award from Lexis-Nexis during the second year that he co-Chaired the program. Mr. Felderman also previously served as a member of the Philadelphia Bar Association's State Civil Committee and the Pennsylvania Trial Lawyers Association's New Lawyer Section Leadership Council. He is also a Charter Member of the Philadelphia Bar Foundation's Young Lawyers Division of the Andrew Hamilton Circle.

DAVID J. COHEN came to the Firm in 2001 with experience in complex and class action litigation. Following law school, Mr. Cohen was associated with Shrager, McDaid, Loftus, Flum, & Spivey, and then Raynes, McCarty, Binder, Ross & Mundy, where he participated in the litigation of civil cases in the U.S. and Spain on behalf of hemophiliacs who received blood products contaminated with the HIV virus. He later joined the Philadelphia law firm of Kohn, Swift & Graf, P.C. in 1998, where he participated in the litigation of numerous complex cases.

At SRK, Mr. Cohen has worked on a number of complex cases, including *In re Abbott Laboratories Derivative Shareholder Litigation*, C.A. 99C-7246 (N.D. Ill.); *In re Initial Public Offering Securities Litigation*, Master File No. 21-MC-92 (SAS) (S.D.N.Y.); *O'Brien v. Ashcroft (Tyco Corp. Derivative Litigation)*, No. 03-E-0005 (N.H. Super. Ct.); *Heiser v. SEPTA*, No. 3167 July Term 1999 (Phila. Cty. C.C.P.), which he successfully tried with Eugene Spector and won a jury verdict of \$4.5 million; *Heindel v. Pfizer, Inc.*, Case No. 02-3348 (GEB) (D. N.J.); *In re Pharmaceutical Industry Average Wholesale Price Litigation*, MDL No. 1456 (D. Mass.);

Mr. Cohen earned a B.A. with honors from the University of Chicago in 1991, and a J.D. from Temple University School of Law in 1994, where he received the Barristers' Award for excellence in trial advocacy. He later clerked for the Hon. Stephen E. Levin in Philadelphia Court of Common Pleas Class Action program. During this time, Mr. Cohen authored the 1998 "Civil Trial Division At A Glance" sections on class actions and statutory appeals, and contributed to the class action, motion, and appeals sections of Arbittier & Simon, *Philadelphia Court of Common Pleas Civil Practice Manual* (9th ed.).

Mr. Cohen is admitted to practice in Pennsylvania and New Jersey, as well as the United States Court of Appeals for the Third Circuit, and the United States District Courts for the Eastern District of Pennsylvania and the District of New Jersey. He is a member of the American, Pennsylvania, New Jersey and Philadelphia Bar Associations.

JOHN MACORETTA represents both individuals and businesses in a wide variety of litigation and transactional matters, including secured and unsecured lending, collections, bankruptcy and insurance matters. He also represents investors in stock-broker arbitration and class-action securities fraud litigation.

He is involved in a number of significant cases, including *In re Pharmaceutical Industry Average Wholesale Price Litigation*, MDL No. 1456 (D. Mass.); *In re Lupron Marketing and Sales Practices Litigation*, MDL No. 1430 (D. Mass.); *In re Unisys Corporation Securities Litigation*, No. 99-CV-5333 (E.D. Pa.); *lucent, Masters v. Wilhelmina Model Agency, Inc.*, No. 02 CV 4911 (S.D.N.Y.); *In re Dynamic Random Access Memory (DRAM) Antitrust Litigation*,

C.A. No. M-02-1486 PJH (N.D. Cal.).

Mr. Macoretta graduated with honors from the University of Texas Law School in 1990 and received his undergraduate degree *cum laude* from LaSalle University in 1986. He is admitted to practice in the Commonwealth of Pennsylvania and the State of New Jersey; the United States Court of Appeals for the Third Circuit; and the United States District Court for the Eastern District of Pennsylvania. In addition to being a member of the Philadelphia Bar Association, Mr. Macoretta also serves as an arbitrator in the Philadelphia Court of Common Pleas.

SIMON BAHNE PARIS concentrates his practice in complex antitrust, securities and consumer litigation. Prior to joining the Firm, he was an Assistant State Attorney for the State of Florida, where he was lead counsel in over fifty jury trials. Mr. Paris' past experience includes handling construction and complex commercial matters for Marshall, Dennehey, Warner, Coleman & Goggin. He is admitted to practice in New Jersey, Florida and the United States District Courts for the District of New Jersey. He is a member of the Camden County and American Bar Associations. A graduate of Rutgers University in 1993, Mr. Paris received his law degree from Widener University School of Law (1996).

He is currently actively involved in numerous class actions, including *Lynch v. National Prescription Administrators, Inc.*, No. 03 Civ. 1303 (S.D.N.Y.); *In re Bristol-Myers Squibb Derivative Litigation*, No. 02 Civ. 8571 (S.D.N.Y.); *In re Mercedes-Benz Antitrust Litigation*, Master File No. 99-4311 (AMW), (D. N.J.); *S & M Farm Supply, Inc. v. Pharmacia Corporation, et al.*, 4:02-cv-518 (ERW), (E.D. Mo.); *Cosgrove v. Nestlé Waters North America, Inc.*, Docket No. ATL-L-1599-03 (N.J. Super.); and *Blake v. United Auto Group, Inc.*, Docket No. CAM-L-5283-02 (N.J. Super.).

JENNIFER L. ENCK received her J.D. *cum laude* from Syracuse University College of Law in 2003. She served as Notes and Comments Editor for the *Syracuse Journal of International Law and Commerce* and authored "The United Nations Convention Against Transnational Organized Crime: Is It All That It Is Cracked Up To Be?" (Spring 2003). Ms. Enck has also received a Masters in International Relations from Syracuse's Maxwell School of Citizenship and Public Affairs. She earned a B.A. in International Politics from Pennsylvania State University in 1999.

Ms. Enck is currently working on a number of cases, including *In re Pharmaceutical Industry Average Wholesale Price Litigation*, MDL No. 1456 (D. Mass.).

RACHEL E. KOPP earned her law degree from Villanova University Law School in 2003. She served as president of the Law School's Sports and Entertainment Law Society, and received a Public Interest Fellowship from the Law School in 2002. She earned her B.A. degree in 2000 from the University of Maryland, majoring in Government and Politics, with a concentration in Languages.

During law school, Ms. Kopp interned with the Civil Rights Division of the U.S. Department of Justice in Washington, D.C.; MTV Networks; and the mediation program of the

U.S. Court of Appeals for the Third Circuit. She is admitted to practice in Pennsylvania and New Jersey. She has been heavily involved in discovery for *In re Pharmaceutical Industry Average Wholesale Price Litigation*, MDL No. 1456 (D. Mass.).

JAY S. COHEN is counsel to the Firm. Since 1978, he has focused his practice on complex and class action litigation, particularly antitrust cases, consumer protection and shareholder rights. Mr. Cohen is currently co-lead counsel in *J.B.D.L. Corp. v. Wyeth*, C.A. No. C-1-01-704 (S.D. Ohio), where he represents a nationwide class of direct purchasers of the drug Premarin. He is also actively involved in *In re Linerboard Antitrust Litigation*, C.A. No. 98-5055 (E.D. Pa.).

Mr. Cohen has been lead counsel in class actions successfully prosecuted on behalf of consumers nationwide and in Pennsylvania, including *Duboff v. SmithKline Beecham, PLC.*, No. 5004 December Term 1990 (Phila. C.C.P.); *Tracy v. AAMCO Transmissions, Inc.*, No. 4840 October Term 1990 (Phila. C.C.P.); and, as co-lead counsel, in *Mauger v. Home Shopping Network, Inc.*, No. 91-6152-20-1 (Bucks Cty. C.C.P.).

Mr. Cohen led the class action securities department of Gross & Sklar, where he had litigated shareholder rights cases since 1983. Mr. Cohen was actively involved in successful class actions on behalf of defrauded investors, including *In re Oak Industries Securities Litigation*, Master File No. 83-0537 (S.D. Cal.); *In Re Nucorp Energy Securities Litigation*, MDL No. 514 (S.D. Cal.); *Wilkes v. Heritage Bancorp, Inc.*, No. 90-11151-F (D. Mass.); *Philadelphia Electric Co. Derivative Litigation*, No. 7090 March Term 1987 (Phila. Cty. C.C.P.); *In re Flight Transportation Corp. Securities Litigation*, Master Docket No. 4-82-874 (D. Minn.); *Priest v. Zayre Corp.*, C.A. No. 86-2411-2 (D. Mass.); *Tolan v. Computervision Corp.*, C.A. No. 85-1396-N (D. Mass.); *In re U.S. Healthcare, Inc. Securities Litigation*, Master File No. 88-0559 (E.D. Pa.); and *In re SmithKline Beecham Securities Litigation*, Master File No. 88-7474 (E.D. Pa.).

Prior to forming his own firm, Mr. Cohen was associated with the firm of Kohn, Savett, Marion & Graf (now Kohn, Swift & Graf) (1978-1982); and Gross & Sklar (now Law Offices of Bernard M. Gross) (1983-1987). There, he participated in a number of cases with multi-million dollar results, including *In re Industrial Silicon Antitrust Litigation*, Master File No. 95-2104 (W.D. Pa.); *In re Fine Paper Antitrust Litigation*, MDL No. 323 (E.D. Pa.); *In re Folding Carton Antitrust Litigation*, Master File No. 250 (N.D. Ill.); *In re Glassine and Greaseproof Paper Antitrust Litigation*, MDL No. 475 (E.D. Pa.); *In re Water Heaters Antitrust Litigation*, MDL No. 379 (E.D. Pa.); *In re Corrugated Containers Antitrust Litigation*, MDL No. 310 (N.D. Tex.); *In re Chlorine and Caustic Soda Antitrust Litigation*, Master File No. 86-5428 (E.D. Pa.); *In re Nylon Carpet Antitrust Litigation*, No. 4:98-CV-0267-HLM (N.D. Ga.); *In re Polypropylene Carpet Antitrust Litigation*, No. 4:95-CV-193-HLM (N.D. Ga.); *Paper Systems, Inc. v. Mitsubishi Corp.*, No. 96-C-0959 (E.D. Wis.).

Mr. Cohen served as a Captain in the United States Army Judge Advocate General's Corps in Falls Church, Virginia from 1974 to 1977, where his practice was limited to criminal appeals. He also served as Case Notes Editor of *The Advocate*, which was a worldwide

publication devoted to military law.

Mr. Cohen is admitted to practice in the Commonwealth of Pennsylvania; the United States Court of Appeals for the Third Circuit; the United States District Court for the Eastern District of Pennsylvania; the Court of Military Appeals; and the Army Court of Military Review. Mr. Cohen received a B.A. degree *cum laude* from Temple University in 1971, and graduated with a J.D. degree from Temple University School of Law in 1974. He is a member of the Philadelphia Bar Association.

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